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## Neoliberalism and the Regulation of Global Labor Mobility

By HENK OVERBEEK

**ABSTRACT:** Globalization involves the international expansion of market relations and the global pursuit of economic liberalism. The essential factor in this process is commodification, including the commodification of human labor. Globalization integrates an increasing proportion of the world population directly into capitalist labor markets and locks national and regional labor markets into an integrated global labor market. We are on the threshold of global initiatives to shift the balance even further, especially regarding the management of global migration flows. The answer cannot be a return to strictly national forms of migration control and should not be a complete capitulation to market-driven regulation of migration. One possible answer is a new, multilateral, democratically screened, global migration regime to set forth and guarantee the general principles governing the regulation of transnational migrations, ensure proper coordination between regional and national migration regimes, and call into existence new institutional forms of transnational democratic governance.

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GLOBALIZATION is a sociopolitical project involving the “world-wide application of laissez-faire principles” (Munck 2002 [this issue]). Yet the principles of laissez-faire are unevenly applied to different categories of commodities in the global political economy today. The zeal with which the free movement of goods is pursued through the World Trade Organization (WTO), or the free movement of capital promoted by the International Monetary Fund (IMF), is contrasted by the hostility of most governments and international organizations toward the free movement of labor.

A closer look at the real nature of the globalization project will reveal that this paradox entails no contradiction. After all, the globalization project is about the freedom of capital to maximize its accumulation potential, not about libertarian ideals.

Second, this article investigates the emerging global and regional regulatory structures whose purpose it is to accommodate capital’s freedom to accumulate as far as it concerns the movement of labor. It will be argued that these new modes of governance are characterized by their informal and disciplinary nature, thus demonstrating the severely negative implications for democratic accountability of those involved in policy making.

The final argument of this article will be that there is a contradiction between untrammelled commodification on one hand and emancipation from bondage and deprivation on the other. To prevent the regulation of global migration from privileging deeper commodification over

emancipation, transparency and accountability in the institutional setup are indispensable. The article advocates consensual multilateralism instead of *de facto* bilateralism.

#### NEOLIBERAL GLOBALIZATION AND MOBILITY

Neoliberal globalization is both process and project. While it is important to emphasize the role of agency in globalization, it is equally important to understand the process of structural transformation involved. Globalization is a dialectical phenomenon simultaneously circumscribed by agency and structure mutually constitutive of each other, or to borrow Robert Cox’s (1981) phrase, a “historical structure.” Viewed in this way, globalization consists in the dialectic between the expansion of market relations on one hand and the pursuit of economic liberalism on the other. In its late twentieth/early twenty-first century manifestation, globalization is reaching new highs, or should we say new depths.

Globalization entails a qualitative transformation in the political, economic, cultural, strategic, and technological worlds around us of which I mention three elements: the compression of time and space, the rise of a market-oriented neoliberal politico-economic order, and the transition in world politics from the bipolar cold war order of system rivalry to the present unipolar NATO-American order.

The essential moving factor of this process is the expansion of the market: ever more people, countries, and

regions are incorporated into the global market economy (expansion as geographic widening), and more and more spheres and dimensions of human existence are invaded by market relations and subordinated to the pursuit of private profit (expansion as deepening).

This deepening commodification takes place through three interrelated processes, namely, the transnationalization of production, the globalization of financial markets, and the tendential emergence of a global labor market. The first two aspects of what is commonly called globalization are abundantly documented in much of the globalization literature. These aspects, although by no means beyond dispute, need not be addressed here. For the purposes of this contribution, it is more relevant to focus on the third element.

In their path-breaking study of the new international division of labor of the 1970s, the German researchers Fröbel, Heinrichs, and Kreye (1977) observed an accelerating relocation of labor-intensive production processes from the older industrial economies to low wage countries in Asia and Latin America. Three preconditions made this relocation drive possible: the existence of a sheer inexhaustible reservoir of cheap labor in large parts of the Third World, new production technologies' making it possible to separate the labor-intensive parts of the production process from the capital-intensive parts, and new transport and communication technologies' facilitating the coordination of dispersed production and assembly

establishments. The authors concluded that "the conjuncture of these three conditions . . . has created a single world market for labor power, a true worldwide industrial reserve army, and a single world market for production sites" (p. 30, author's translation). Crucial for this argument is that as a consequence of the rapid development of new communication and information technology, foreign direct investment (FDI) became a functional alternative not only to trade but also to labor migration. (Mobility of capital can substitute for the mobility of goods and labor power.)

In the core of the global system, in the Organization for Economic Cooperation and Development (OECD) countries, globalization has transformed the economy from a Fordist model (with mass production and mass consumption sustained by one or another form of welfare state) into a model of flexible accumulation (with lean production and just-in-time delivery supported by a competition state). This has had the fundamental consequence for the labor market of establishing a "core-periphery" structure within the advanced capitalist economies (Cox 1987), reflected particularly in the "peripheralization" of labor in the global cities (cf. Harris 1995; Sassen 1996a). One element of this has been the reemergence of domestic labor, another the reappearance of sweatshop production in the garment industry:

There exists within New York, the global city, a substantial growing segment of the labor force whose conditions of produc-

tion resemble those of the labor force in the Third World. . . . Sweatshops in New York are the logical consequence of the global restructuring of production in the garment industry and the consequent competition for jobs between segments of the global reserve of labor. (Ross and Trachte 1983, 416)

These developments go hand in hand with, and are enhanced by, a neoliberal offensive of deregulation, liberalization, and flexibilization. While undermining the bargaining power of organized labor and helping to depress wage demands, it simultaneously creates and/or reinforces the demand for various forms of unskilled and semiskilled labor, employed under increasingly precarious conditions (Cox 1987; Sassen 1996a; Castells 1998). Undocumented immigration is quite functional from this perspective. The employment of undocumented foreign labor has thus in many cases become a condition for the continued existence of small- and medium-size firms, creating a substantial economic interest in continued (illegal) immigration (Brochmann 1993, 119-20; see also Papademetriou 1994, 27).

In more peripheral areas of the world (e.g., Africa, eastern Europe, and Central America), the two most important changes since the mid-seventies (often interacting) have been the debt crisis, the ensuing imposition of structural adjustment policies, and the end of the cold war. The Structural Adjustment Programs of the IMF and the World Bank and the withdrawal of military and economic assistance by the superpowers both resulted in a substantial reduction of external sources

of finance available for redistribution by the state. In many cases, this seriously affected the ability of governments to co-opt rivaling elites into the power structure, resulting in serious social and political crises, economic disasters, and regime change or state collapse. These complex processes largely explain the surge in forced movements of people since the mid-seventies across the globe, in search of protection and in search of a new and better life (cf. Cohen and Deng 1998; Loescher 1993; United Nations High Commissioner for Refugees 1997; Zolberg, Suhrke, and Aguayo 1989). In other cases, governments of Third World countries have turned to other sources of external income and have become intricately involved in the business of promoting outward migration of skilled workers and professionals. Through workers' remittances, the inflow of hard currency is thus increased. Worldwide, remittances have surpassed development aid as a source of foreign exchange. In 1995, worldwide remittances ran to \$70 billion; in the same year, development aid total ran to \$66 billion (World Bank 1997). India and Egypt are two examples of countries in which the government has taken an active role in this trade. In the 1970s, the Egyptian government "planned to expand the output of teachers in order to supply 14,000 of them to the oil-producing countries" (Harris 1995, 151). The Indian government recently announced plans to spend \$650 million to double India's current annual output of 100,000 information technology graduates by

2002 and reach 500,000 by 2005 (Chanda 2000).<sup>1</sup>

These developments in various parts of the world show that globalization indeed integrates an increasing proportion of the world population directly into capitalist labor markets and locks national and regional labor markets into an integrated global labor market. The mechanisms that produce this effect are of three kinds.

First, we witness various forms of commodification of labor power, which was not previously bought and sold on "free" labor markets. We can think of three forms in particular:

- incorporation of previously disconnected areas (primarily former socialist economies but also the remaining precapitalist societies on the outskirts of the modern world) into the capitalist world market,
- continuing proletarianization of the world's population through urbanization and the disintegration of subsistence economies in the Third World and through increasing labor market participation in the industrial economies, and
- privatization of economic activities within capitalist societies previously organized outside the market.

Second, nationally or regionally bounded labor markets are increasingly integrated by the internationalization of production. The importance of this new form of internationalization as contrasted with the earlier phases of globalization in which commercial capital and money capital moved across borders cannot be overstated. Whereas money capital imposes an abstract and indirect

discipline on labor, FDI directly reproduces capitalist relations of production within the host countries (Poulantzas 1974).<sup>2</sup> Transnational production has indeed become by far the most important engine of accumulation in the global economy, as is confirmed by a few key statistics:

- After a slowdown in the early 1990s, direct investments were growing explosively in the closing years of the century. As a consequence, the share of foreign investment inflows in world gross fixed capital formation has grown rapidly, from 1.1 percent in 1960 via 2.0 percent in 1980 to 7.4 percent in 1997 (United Nations Conference on Trade and Development [UNCTAD] 1994, 1998).
- By 1997, total assets of foreign affiliates of transnational corporations stood at \$12.6 trillion. Sales by foreign subsidiaries reached \$9.5 trillion (UNCTAD 1998, 2). In addition to FDI, through strategic alliances and other nonequity arrangements, transnational corporations gain control over assets and markets that are not measured in the statistics.
- In 1960, worldwide sales by foreign affiliates of transnational corporations were smaller than world exports, but in 1997, they stood at 148 percent of world exports (UNCTAD 1998, 2).
- One-third of world exports are exports of foreign affiliates (UNCTAD 1998, 6).
- Transnational corporations have a strong impact on the shape of the world economy: "they organize the production process internationally: by placing their affiliates worldwide under common governance systems, they interweave production activities located in different countries, create an international



intra-firm division of labor and, in the process, internalize a range of international transactions that would otherwise have taken place in the market" (UNCTAD 1994, 9).

- The rapid expansion of FDI is increasingly tied up with the explosive increase in mergers and acquisitions in the world. The total value of cross-border mergers and acquisitions in 1997 was approximately \$342 billion (up from less than \$100 billion in 1992), representing 58 percent of FDI flows (UNCTAD 1998, 19-20).
- Cross-border mergers and acquisitions are mostly concentrated within the developed world, thus reinforcing tremendously the process of transnationalization, the rapidly intensifying interpenetration of the economies (capital markets but also labor markets) of the OECD countries.

Third, nationally or regionally bounded labor markets are further integrated by increased international labor mobility in its various forms:

- the spread of transnational corporations brings with it increased international mobility of top- and intermediate-level managers and executives;
- the internationalization of services (engineering, advertising, software development) creates increased international mobility of technical and commercial experts;
- the combination of more restrictive immigration policies and labor market flexibilization and deregulation in the OECD countries creates increased opportunities for illegal immigration (increasingly through the intervention of organized crime); and

- the economic and political crisis of the state in many Third World countries and the resulting intensification of social and ethnic conflicts swell the ranks of international refugee movements and the outward flow of migrant workers.

With the tendential formation of a global labor market and the increased labor mobility it implies, the question of the international regulation of that mobility has gradually become a more prominent issue on the international agenda. Before we can turn to a discussion of the emerging framework for the regulation of global migration, however, we must briefly address some general issues of global governance in the neoliberal age.

#### GLOBALIZATION AND GOVERNANCE

Changes in production organization and location have been accompanied by attempts at the political and ideological levels to create more transnational forms of governance. The key elements of the emerging structure of global governance can be summarized as follows (see Cox 1987; Gill 1995; McMichael 1996):

1. emerging consensus among policy makers favoring market-based over state-managed solutions,
2. centralized management of the global economy by the G-7 states, and
3. implementation and surveillance by multilateral agencies such as the World Bank, the IMF, and the WTO.



The key development in this respect is the reconfiguration of the state. State forms and functions are being transformed under the impact of, but in turn itself furthering, globalization. Global restructuring leads to (or implies) the creation of additional formal and informal structures of authority and sovereignty besides and beyond the state. With globalization and the progression of the neoliberal ideology, there has also been a strengthening of (quasi-) authoritarian structures and practices and an assault on established forms of progressive or Left popular participation. In the core areas of the world economy, this discipline appears in the shape of voluntary programs of competitive deregulation and austerity that are codified and constitutionalized in such arrangements as the Economic and Monetary Union stability pact or the WTO liberalization regime.

In peripheral areas, the discipline of the market is often externally imposed through the financial power exercised by the IMF and the World Bank, which was tremendously intensified after the debt crisis of the 1980s.

In the context of globalization, the functions of the state dealing with transnational processes are increasingly performed transnationally by a variety of state, interstate, and nonstate institutions. The state is no longer the proverbial Westphalian nation-state in which sovereignty and territoriality are exclusively combined. Indeed, the "unbundling" of sovereignty and territoriality (Ruggie 1993, 165) makes it possible for governments to circumvent the

need to account for the international agreements they conclude in their own national parliaments. It has also created a greater space for social forces outside the state to become involved in new forms of regulation. The boundaries between public and private regulation and between national and international relations are becoming increasingly blurred, and policy formation in international contexts is increasingly informalized, opening up the channels of governance to nongovernmental organizations of various kinds. In a reference to the manifestation of this tendency in the area of migration policy, Saskia Sassen (1996b) observed that "we are seeing a *de facto* transnationalizing of immigration policy" in which there is "a displacement of government functions on to non-governmental or quasi-governmental institutions and criteria for legitimacy" (pp. 1, 24). It is to this particular area of global governance that we now turn.

#### THE EMERGENCE OF A NEOLIBERAL FRAMEWORK FOR THE MANAGEMENT OF MOBILITY

In the postwar order, international labor migration was hardly regulated. This provided a sharp contrast with the regulatory framework for financial relations (IMF, Bank for International Settlements) and for international trade (GATT). To be sure, there are international organizations that are concerned one way or another with the international mobility of people, such as the International Labor Organization, the International Organization for

Migration, and of course the United Nations High Commissioner for Refugees. However, the regime they form (if we may call it that) has been far weaker than the financial and trade regimes. Several explanations are possible for this state of affairs. For one, as is often observed in the migration literature, the sovereign state is assumed to be unwilling to relinquish control over who crosses its borders: "Since the development of the modern state from the fifteenth century onward, governments have regarded control over their borders as the core of sovereignty" (Weiner 1995, 9). The argument does not convince, because state sovereignty has never been absolute, nor is this an argument that would apply exclusively to migration as opposed to other cross-border traffic such as trade. A second possible explanation is the modest scale of international migration in the twentieth century. The United Nations estimated the world's foreign-born population for 1995 at 125 million or about 2 percent of the world's population (UNCTAD/International Organization for Migration 1996). Finally, during the post-1945 decades of embedded liberalism, foreign labor was available in surplus quantities, and as a consequence, states did not need to compete for scarce sources when organizing their recruitment schemes in the 1960s and 1970s (Zolberg 1991, 309, 313-4).

With the effects of globalization on the mobility of people becoming stronger, the call for an effective international migration regime also gained strength (for a survey, see Ghosh 2000). Four effects stand out:

- the growth of asylum migration to the OECD countries;
- the growing demand for cheap unskilled labor, the growth of illegal labor immigration, and the increasing involvement of organized crime with smuggling people across borders;
- the shortage of highly skilled labor in the OECD in sectors such as information and communication technology; and
- the increased mobility of upper-level managers in transnational corporations.

As a result, two seemingly contradictory tendencies are visible in the ongoing policy discussions, namely, the effort to control and reduce asylum migration and illegal migration and the call (especially since the mid-1990s) to liberalize forms of migration that are deemed economically desirable. To understand better how this contradiction translates into regulation, we must briefly analyze the interface between the various forms of factor mobility in the global economy, especially in the Americas and in Europe.

The idea of mobility is, as we have seen, usually associated with the movement of capital more than of people. In the Americas, some twenty bilateral agreements have been signed since 1990 that serve to liberalize trade and investment between South, Central, and North American countries. Here the emphasis is primarily on the subordination of migration management to the needs of capital. In Europe, the significance of arrangements facilitating the mobility of capital within the region (primarily the completion of the

Single Market and the flexibilization of labor markets) has overshadowed the number of initiatives which European capital developed in peripheral economies. Nevertheless, in the framework of increasing cooperation and economic aid, the European Union has signed a series of accession and association agreements with countries of central and eastern Europe, with the Mediterranean countries, and with the remaining states of the former Soviet Union. These agreements all have in common a number of regulations with respect to the freedom of movement of people insofar as this movement is connected to capital mobility. Freedom of establishment, freedom to migrate to set up businesses as self-employed individuals, and nondiscrimination (national treatment) of legally established firms, workers, and their families (cf. Niessen and Mochel 1999) are the key elements.<sup>3</sup> These rules about national treatment for investments and labor tend to have repercussions on labor markets, on industrial policies, and on judicial systems. The movement of capital requires some mobility of people as well, for labor market purposes, but also for access to land and to markets. Especially relevant here is the movement of professionals and business people whose professions are related to trade in services. Their movement is encoded in bilateral or trilateral treaties, regional agreements (NAFTA, European Economic Area), and global agreements (General Agreement on Trade in Services [GATS]) (see Ghosh 1997; OECD *Système d'observation permanente des migrations* 1998).

In addition to the formal arrangements the European states (east and west) have developed, there is a parallel system of informal consultations on migration issues, the so-called Budapest Group.<sup>4</sup> The origins of the Budapest Process go back to the events leading up to the fall of the Berlin Wall in 1989 and the disintegration of the Soviet Union. The primary objective of the consultations was to discuss measures for checking illegal migration from and through central and eastern Europe. Much emphasis was put on the need to strengthen the surveillance of borders, the conclusion of readmission agreements, and the harmonization of visa policies. Technological and financial aid was promised. During follow-up meetings, the themes that would dominate subsequent conferences became clear: criminalization of trafficking and improvement of police forces and border controls, imposition of carrier sanctions on airlines, exchange of information, conclusion of readmission agreements, and financial assistance to the central and east European countries (which were in reality the targets of these measures given their deficient or totally absent relevant legislation and policies). The statutory meeting of the Budapest Group (December 1993) reconfirmed these objectives and decided that the group would comprise senior officials from all participating states, making the Budapest Group into the only pan-European discussion forum for these issues. The issue of visa approximation was taken up at a special meeting in Portoroz (Slovenia) in September 1998. The harmonization of visa

policies is to be achieved by the central and east European states aligning their policies with those of the European Union member states. In recent years, the Budapest Group has also set up an elaborate monitoring system to keep track of the progress with the implementation of agreed measures, thus acquiring a very real influence over national policy making.

In the Americas, most of the regional integration processes ignore or sidetrack the question of the movement of people. This is the case with the Mercado Común del Sur (Southern Cone Common Market), with NAFTA, and with the series of bilateral treaties on free trade in the region. Yet despite limited state regulations, labor migration represented a significant dimension of transborder economic activities, controlled mostly by the private sectors. The Puebla Process, which started in 1996 under the name Regional Conference on Migration (RCM), marks a significant step in the regionalization trend in migration control.<sup>5</sup> Officially, the direct trigger of the RCM was the population conference in Cairo in 1994, but it was also linked to the plans for the Free Trade Area of the Americas, which is to extend the liberalization of national economies to Central and South America. The immediate initiative for the Puebla Process came from Mexico, a country facing important pressures from both its northern partners, particularly the United States, to control the flows of people crossing the border and from its southern neighbors in the form of transit migration. The RCM's plan of

action, adopted in 1997 during its second annual meeting in Panama, focused on information gathering as well as on five areas of activities: (1) the formulation of migration policies (both emigration and immigration) that would respond to the commitments of the conference, (2) migration and development, (3) combating migrant trafficking, (4) collaboration for the return of extraregional migrants, and (5) human rights. Most of the work of the RCM has been devoted, since then, to the combating of migrant trafficking while the area of activity that received the least attention was the formulation of harmonized migration policies. Yet paradoxically, some form of coordination of these policies does take place, but indirectly, notably through the promotion by the RCM of transborder and labor market cooperation schemes.

There is obviously a clear analogy between the Puebla Process and the Budapest Process in terms of which issues are central to their work. They share, in particular, emphases on the coordination of visa and migration policy, on the combating of illegal trafficking, and on the promotion of a system of readmission agreements. These informal modes of governance fulfil very specific functions. They first of all serve as channels for communication between policy makers, experts, and interested third parties. This is especially important for those countries (e.g., several of the Commonwealth of Independent States countries) whose officials have little or no direct contact with their counterparts in the OECD world. Beyond that, they further serve to socialize

the officials, experts, and policy makers of peripheral states into the existing epistemic communities in the migration field within the OECD, and they help to moor the policy reforms desired by the OECD partners within the associated states: migration policies deemed desirable by the OECD partners are thus locked in within the dependent states. Finally, in the case of the relationship between the European Union and a number of the central and east European states involved, the Budapest Process is clearly complementary to the ongoing accession process and prepares the ground, in the area of the regulation of people's mobility, for ultimate full membership of the European Union.

These neoliberal forms of mobility controls will not disappear with political changes in countries at the receiving end. Because of their inclusion into regional frameworks of integration, these mechanisms become locked in, and it would be extremely costly, both economically and politically, not to respect them (Gill 1998). Accordingly, states become more accountable to external than to internal forces. States are made responsible for maintaining the direction or the orientation taken by the regional system and to upholding the principles or social purpose of the agreements signed. Both the Budapest Process and the Puebla Process have developed mechanisms to strengthen these tendencies and to monitor the compliance of the participating states. Particular emphasis is placed in both contexts on the selective criminalization of migration.

In fact, the selective criminalization of specific forms of migration and the privileged treatment of other types of mobility is functional not only in the context of proliferating neoliberal labor market reforms but also in the context of redrawing the boundaries of the regions concerned. Both in the case of the Americas and in the case of Europe, we observe the restructuring of regional hierarchies. Certain countries or regions are gradually integrated into the OECD heartland (Mexico, Central Europe, and possibly in the long run, Turkey). These countries are themselves becoming destination countries for migrants from the outer layers of the emerging new regional geohierarchies (just as a decade ago the southern European countries made the transition from migrant-sending to migrant-receiving countries against the background of their integration into the hegemonic structures of the West). Other countries are recast in the role of dependent (semi-) peripheries, whose migrant workers are admitted to the heartland countries only on the strictest conditions, and who are themselves burdened with the task of policing their borders with the external world whose people can come in only as illegal migrants (and in decreasing measure as asylum seekers) (cf. van Buuren 1999).<sup>6</sup>

To summarize this section, Neoliberal restructuring of the global economy involves both the deepening and the widening of market relations and the transformation of governance structures. Labor has a specific role in this process: because international labor migration is only

one way in which global capital can access the emerging global labor market, the emerging global regime for labor involves both the disciplining of labor and the selective freeing of the mobility of labor. There is clearly a tension between regulating migration under the auspices of global neoliberalism on one hand and upholding the values of democratic governance on the other. When we turn to discuss the contours of a possible new comprehensive framework for the regulation of global migration in the next section, we shall therefore emphasize the importance of democratic multilateralism as a safeguard against downward harmonization through disciplinary neoliberal policy competition.

#### IMPLICATIONS FOR A FUTURE MULTILATERAL AGREEMENT ON MIGRATION

We have, in the preceding analysis, argued that the contemporary migration issues must be viewed against the backdrop of globalization. Likewise, if we want to speculate on the contours of a future international migration regime, let us first look at the implications of globalization for such an enterprise.

First, unless an effort is made to address the underlying causes, especially of all forms of involuntary migration, any effort to create an international migration convention will inevitably result in the codification of the existing extremely restrictive immigration practices of most of the countries of destination. The international community (this often abused eulogism) must address the

structural inequities in the global political economy producing and/or reproducing poverty among two-thirds of the world's population (such as unequal exchange, the dumping of agricultural surpluses, etc.). It should also look very critically at the global arms trade that fuels many of the refugee-producing conflicts around the globe. Especially where arms trade and neocolonial political interference with (if not initiation of) regional and local conflicts by major powers coincide, the results have been disastrous.

Second, the particular character of globalization as a process of deepening commodification and as a project of privileging the market over public regulation suggests that to be democratic and responsive to the needs of all people, certain fundamental principles must underlie any regulatory project. It is, first, of crucial importance that the trend to further commodification is reversed and that essential spheres of human life are wholly or partly decommodified. This implies also that we must reassert the primacy of public governance as opposed to the market-led governance, which neoliberalism advocates for those areas where the interests of capital predominate. Finally, these new forms of public governance of global processes must provide for democratic decision making and grassroots participation, not just at the national and international levels but also in transnational settings. At the national level, the institutions to implement democratic control and popular participation exist, at least in principle if not everywhere in practice, in the form of political



parties, parliaments, and legal systems. At the international level, we have the institutions and practices of traditional diplomacy, including the framework of the United Nations system, to guarantee the representation of all sovereign states in the process. Notwithstanding its many shortcomings, it should be obvious that the United Nations is preferable as a framework for worldwide agreements to other frameworks. This is so whether these are international but with representation based on economic strength (such as the IMF or the WTO) or whether they are bilateral and skewed toward the strongest economic power (as in the bilateral negotiations between the European Union and the individual candidate-members on their terms of entry).

In such a new, democratic, multi-lateral context, we might envisage the creation of a comprehensive international migration framework convention. The purpose of this convention is to set forth and guarantee the general principles governing the regulation of transnational migrations, to ensure a sufficient degree of coordination between regional and national migration regimes, and to deal with those migratory movements that cannot be covered in a regional setting. There are three major components in such a regime.

1. The institutional framework to be developed at the world (and regional) level must be democratic, that is, transparent and responsive to the needs of migrants as well as to those of the participating states. The organizational forms for such an en-

terprise are still to be developed; they will need to find a balance between facilitating grassroots participation and democratic representation, which is often lacking in the literature singing the praises of global civil society and of transnational nongovernmental organizations.

2. The asylum and refugee framework providing the basis for the existing international refugee regime (i.e., the 1951 Geneva Convention and the 1967 New York Protocol) must be amended to take account of the changed nature of international refugee movements. Here the proposals put forward by Zolberg, Suhrke, and Aguayo (1989) may serve as a starting point. They propose to introduce as the central principle "the immediacy and degree of life-threatening violence" (p. 270) to afford protection to the "victims" on an equal footing with the more common subjects of present asylum law, the "activists" and the "targets." The asylum policies of the OECD countries deserve special mention here: these tend to produce illegal immigrants in large numbers through the practice of denying official status to asylum seekers who cannot be returned to their countries of origin because of humanitarian concerns.

3. An equivalent framework for voluntary migration (permanent and temporary) must be created in which states undertake to bring their national and regional immigration policies in accordance with an internationally negotiated set of minimum criteria formulated to safeguard the interests of migrants as well as the interests of the signatory states. The existing provisions of international



labor organization conventions and the GATS should be incorporated into such a framework or replaced by it where they conflict with the fundamental principles set out above. One important principle to be obeyed here is that the legal position of long-term residents must be improved. Both the return of migrants to their home countries and their effective integration into the host society are obstructed by their insecure status (i.e., by the difficulty in many host countries of obtaining full membership in the welfare state and by the difficulties they encounter on return to their home countries). These problems could be substantially reduced, for instance, by expanding the possibilities for dual citizenship or by allowing reimmigration with full retention of rights in case of failed return migration.

On the basis of such a comprehensive set of principles, regional migration conventions can then create the institutional and operational settings for their practical implementation. It is plausible that only in regional settings will it be possible to develop effective instruments to deal with such undesirable developments as the increasing role of organized crime in the trafficking of people (and drugs and arms). As with Prohibition in the 1930s, an exclusively repressive policy only raises the price of the prohibited goods (in this case access to the labor markets of the OECD countries) without substantially reducing the flow. These regional regimes might be expected, depending on specific circumstances, to incorporate regional development, educa-

tional and employment initiatives, preferential trade agreements, effective measures against trafficking in people, agreements on the readmission of illegal migrants, arrangements for temporary labor migration, quota for permanent immigration, return migration schemes, and improvement of the legal position of migrants in host countries. An integral and comprehensive approach is essential. If certain elements, such as temporary labor provisions, are realized in isolation from the other elements and principles, such schemes are bound to serve only the interests of the employers looking for cheap workers. Public governance of these processes must guarantee the balance between the various elements of the conventions.

This article has put forward that there is a possibly irreconcilable tension between commodification on one hand and emancipation and deprivation on the other. The present trend in the global economy is to privilege private market forces over public regulation. We are presently on the threshold of global initiatives to shift this balance even further, especially with respect to the management of global migration flows. This article maintains that the answer cannot be a return to strictly national forms of migration control and should not be a complete capitulation to market-driven regulation of migration. Polanyi's (1957) "double movement" is now, more than ever, operative at the global level, and this implies that we must actively develop global forms of social protection (complementing, not replacing, national forms) to counter the destructive

effects of deepening commodification. Resisting the subordination of international labor markets to the neoliberal regimes of the WTO (via GATS and the Multilateral Agreement on Investment) must be an integral component of the struggle for a more democratic global economic order.

### Notes

1. Remittances in India indeed cover more than half of the negative balance of international trade. At the same time, India has illiteracy rates of some 35 percent for men and more than 60 percent for women (World Bank 1997).

2. Financial globalization, that is, the emergence and growth of global financial markets, is identified by many as the hallmark of globalization. From the perspective of the overall transnationalization of the circuits of productive capital, the role of global finance is in a sense secondary, namely, to keep the system together and to lock the spatially dispersed sites of production and accumulation into one global system. We will therefore not discuss this here.

3. Note that national treatment is also one of the founding principles in the aborted Multilateral Agreement on Investment and the GATS.

4. By 1997, the Budapest Group encompassed thirty-six European states (including among the republics of the former Soviet Union the three Baltic states, Belarus, Ukraine, Moldova, and the Russian Federation), Australia, Canada, and the United States, as well as the Central European Initiative, the Council of Europe, the European Union Council Secretariat, the European Commission, the Intergovernmental Consultations on Asylum, Refugee and Migration Policies, the International Center for Migration Policy Development (functioning as the secretariat of the Budapest Group), the International Organization for Migration, Interpol, the United Nations High Commissioner for Refugees, the International Civil Aviation Organization, and the United Nations Commission on Crime Prevention. For more information as

well as sources on the work of the Budapest Group and also of the Puebla Process, the reader is referred to Pellerin and Overbeek (2001).

5. The Puebla Process involved the participation of ten countries of Central and North America (Belize, Canada, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, and the United States). A few countries and international organizations were invited as observers: Colombia, the Dominican Republic, Ecuador, Jamaica, and Peru, as well as the Economic Commission for Latin America, the United Nations High Commissioner for Refugees, and the International Organization for Migration.

6. Of course, this process of regional hierarchization intersects with processes of geostrategic rivalry being played out partly in the same region, such as NATO intervention in Kosovo, the involvement of several Western interests in the Caucasus, and most recently the entry of Western forces in central Asia through the war in Afghanistan.

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